

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION

RANDALL CONRAD KENNEDY	§	
	§	
V.	§	CIVIL ACTION NO. _____
	§	
EARL MARQUAVIN EDWARDS,	§	
CR ENGLAND, INC., AND CR	§	
ENGLAND, INC., CORPORATION	§	JURY DEMANDED

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Please take notice that Defendants, C.R. England, Inc., and “CR England, Inc., Corporation,”¹ hereby remove to the Court the state action described below pursuant to 28 U.S.C. §§ 1332, 1441 and 1446. In support of the removal and in accordance with the requirements of 28 U.S.C. § 1446 Defendants, C.R. England, Inc., and “CR England, Inc., Corporation,” state as follows:

1. C.R. England, Inc., and “CR England, Inc., Corporation,” are defendants in a civil action brought on September 23, 2015, in the 341st Judicial District Court of Webb County, Texas. Pursuant to the provisions of 28 U.S.C. §§ 1441 and 1446, Defendants remove this action to the United States District Court for the Southern District of Texas, Laredo Division, which is the judicial district and division in which the action is pending.

2. On September 23, 2015, a civil action was commenced, in the 341st Judicial District Court of Webb County, Texas, entitled *Randall Conrad Kennedy v. Earl Marquavin Edwards, CR England, Inc., and CR England, Inc., Corporation*; Cause No. 2015CVT003114D3. A copy of Plaintiff’s Original Petition is attached to the Civil Docket Sheet and State Court Documents Index.

¹This Defendant has been incorrectly named. Defendant’s correct name is “C.R. England, Inc.”

3. On October 5, 2015, Defendant, C.R. England, Inc., was served with a copy of Plaintiff's Original Petition, which was this Defendant's first receipt of the initial pleading filed by the Plaintiff. On October 29, 2015, Defendants filed their Original Answer.

4. Copies are attached to this notice as required by 28 U.S.C. §1446(a) and Local Rule 81 of the United States District Court, Southern District of Texas, as listed below:

- All executed process in this case;
- Pleadings asserting causes of action and all answers to such pleadings, including Plaintiff's Original Petition and Defendants, CR England, Inc., and CR England, Inc., Corporation's Original Answer;
- Clerk's Docket Sheet (*no entries*) from Cause No. 2015CVT003114D3 styled *Randall Conrad Kennedy v. Earl Marquavin Edwards, CR England, Inc., and CR England, Inc., Corporation*, pending in Webb County, 341st Judicial District Court;
- An Index of Matters Being Filed with this Notice of Removal; and
- A List of Counsel of Record, including addresses, telephone numbers, and parties represented.

JURISDICTION AND VENUE

5. The action is a civil action of which this Court has original jurisdiction under Title 28 U.S.C. § 1332 (Diversity Jurisdiction), and is one which may be removed to this Court pursuant to Title 28 U.S.C. § 1441. There is complete diversity of citizenship amongst the parties and the amount in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.

6. Plaintiff is a citizen of Texas residing in Webb County, Texas.

7. At the time suit was filed, and at the time of this removal action, Defendant, C.R. England, Inc., is a corporation, organized and formed under the laws of the State of Utah, with its principal place of business in the state of Utah, and who is diverse to Plaintiff's citizenship.

8. Defendants consent to this removal action.

9. Venue is proper in the Southern District of Texas, Laredo Division, because this district and division embrace the place in which the action is pending.

10. The amount in controversy exceeds the sum of Seventy-Five Thousand and 00/Dollars (\$75,000.00), exclusive of interest and costs, as evidenced by the attached copy of the Civil Case Information Sheet wherein counsel for Plaintiff states that the damages sought in this cause of action are "more than \$1,000,000." Plaintiff alleges injuries and damages arising from an incident which occurred on or about November 24, 2014, in Webb County, Texas.

11. Defendants, C.R. England, Inc., and "CR England, Inc., Corporation," file this notice of removal within 30 days after their first receipt of a copy of the Plaintiff's initial pleading setting forth the claim for relief upon which this cause of action is based.

12. Additionally, this court would have original subject matter jurisdiction of this action under the provisions of 28 U.S.C. § 1332 if the action had originally been brought in federal court. Accordingly, Defendants may properly remove the State Court action pursuant to 28 U.S.C. § 1441.

13. Defendants, C.R. England, Inc., and "CR England, Inc., Corporation," will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

14. Plaintiff has demanded a jury trial in the state court suit.

Respectfully submitted,

By: /s/Austin L. Webber
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ATTORNEY-IN-CHARGE FOR
DEFENDANTS, C.R. ENGLAND, INC.,
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CORPORATION"

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CERTIFICATE OF SERVICE

I, Austin L. Webber, do hereby certify that a true and correct copy of the foregoing instrument was forwarded in accordance with the Federal Rules of Civil Procedure on this the 30th day of October, 2015, to the following:

Via Electronic Service

Mr. Augusto Guerra
VILLARREAL & BEGUM, PLLC
5826 IH-10 West
San Antonio, Texas 78201

ATTORNEYS FOR PLAINTIFF

/s/ Austin L. Webber
Austin L. Webber